

mechanisms as appropriate, to include air refueling tankers, missile defense capabilities, and specialized munitions.

(5) Provide the Government of Israel additional excess defense articles, as appropriate, in the wake of the withdrawal of United States forces from Iraq.

(6) Examine ways to strengthen existing and ongoing efforts, including the Gaza Counter Arms Smuggling Initiative, aimed at preventing weapons smuggling into Gaza pursuant to the 2009 agreement following the Israeli withdrawal from Gaza, as well as measures to protect against weapons smuggling and terrorist threats from the Sinai Peninsula.

(7) Offer the Air Force of Israel additional training and exercise opportunities in the United States to compensate for Israel's limited air space.

(8) Work to encourage an expanded role for Israel with the North Atlantic Treaty Organization (NATO), including an enhanced presence at NATO headquarters and exercises.

(9) Expand already-close intelligence cooperation, including satellite intelligence, with Israel.

(Pub. L. 112–150, § 4, July 27, 2012, 126 Stat. 1147.)

Statutory Notes and Related Subsidiaries

ELIGIBILITY OF ISRAEL FOR THE STRATEGIC TRADE AUTHORIZATION EXCEPTION TO CERTAIN EXPORT CONTROL LICENSING REQUIREMENTS

Pub. L. 113–296, § 6, Dec. 19, 2014, 128 Stat. 4076, provided that:

“(a) FINDINGS.—Congress finds that Israel—

“(1) has adopted high standards in the field of export controls;

“(2) has declared its unilateral adherence to the Missile Technology Control Regime, the Australia Group, and the Nuclear Suppliers Group; and

“(3) is a party to—

“(A) the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, signed at Geneva October 10, 1980;

“(B) the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva June 17, 1925; and

“(C) the Convention on the Physical Protection of Nuclear Material, adopted at Vienna on October 26, 1979.

“(b) ELIGIBILITY FOR STRATEGIC TRADE AUTHORIZATION EXCEPTION.—The President, consistent with the commitments of the United States under international arrangements, shall take steps so that Israel may be included in the list of countries eligible for the strategic trade authorization exception under section 740.20(c)(1) of title 15, Code of Federal Regulations, to the requirement for a license for the export, reexport, or in-country transfer of an item subject to controls under the Export Administration Regulations.”

§ 8604. Reports required

(a) Report on Israel's qualitative military edge (QME)

(1) In general

Not later than 180 days after July 27, 2012, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of

Representatives a report on the status of Israel's qualitative military edge in light of current trends and instability in the region.

(2) Substitution for quadrennial report

If submitted within one year of the date that the first quadrennial report required by section 201(c)(2) of the Naval Vessel Transfer Act of 2008 (Public Law 110–429; 22 U.S.C. 2776 note) is due to be submitted, the report required by paragraph (1) may substitute for such quadrennial report.

(b) Reports on other matters

Not later than 180 days after July 27, 2012, the President shall submit to the appropriate congressional committees a report on each of the following matters:

(1) Taking into account the Government of Israel's urgent requirement for F-35 aircraft, actions to improve the process relating to its purchase of F-35 aircraft, particularly with respect to cost efficiency and timely delivery.

(2) Efforts to expand cooperation between the United States and Israel in homeland security, counter-terrorism, maritime security, energy, cyber-security, and other related areas.

(3) Actions to integrate Israel into the defense of the Eastern Mediterranean.

(Pub. L. 112–150, § 6, July 27, 2012, 126 Stat. 1148.)

Executive Documents

DELEGATION OF CERTAIN FUNCTIONS UNDER SECTION 6 OF PUBLIC LAW 112–150

Memorandum of President of the United States, Jan. 15, 2013, 78 F.R. 5705, provided that:

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to you all functions conferred upon the President by subsections (a) and (b) of section 6 of Public Law 112–150. You will exercise these functions in coordination with the Secretary of Defense.

You are authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

§ 8605. Definitions

In this chapter:

(1) Appropriate congressional committees

The term “appropriate congressional committees” means—

(A) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) Qualitative military edge

The term “qualitative military edge” has the meaning given the term in section 2776(h)(2)¹ of this title.

¹ See References in Text note below.

(Pub. L. 112–150, § 7, July 27, 2012, 126 Stat. 1149.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 112–150, July 27, 2012, 126 Stat. 1146, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 8601 of this title and Tables.

Section 2776(h)(2) of this title, referred to in par. (2), was redesignated section 2776(h)(3) of this title by Pub. L. 113–296, § 11(b)(1), Dec. 19, 2014, 128 Stat. 4078.

§ 8606. United States-Israel cooperation on energy, water, homeland security, agriculture, and alternative fuel technologies

(a) In general

The President is authorized, subject to existing law—

- (1) to undertake activities in cooperation with Israel; and
- (2) to provide assistance promoting cooperation in the fields of energy, water, agriculture, and alternative fuel technologies.

(b) Requirements

In carrying out subsection (a), the President is authorized, subject to existing requirements of law and any applicable agreements or understandings between the United States and Israel—

- (1) to share and exchange with Israel research, technology, intelligence, information, equipment, and personnel, including through sales, leases, or exchanges in kind, that the President determines will advance the national security interests of the United States and are consistent with the Strategic Dialogue and pertinent provisions of law; and
- (2) to enhance scientific cooperation between Israel and the United States.

(c) Cooperative research programs

The Secretary of Homeland Security, acting through the Director of the Homeland Security Advanced Research Projects Agency and with the concurrence of the Secretary of State, is authorized, subject to existing law, to enter into cooperative research programs with Israel to enhance Israel’s capabilities in—

- (1) border, maritime, and aviation security;
- (2) explosives detection;
- (3) emergency services; and
- (4) cybersecurity.

(d) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$2,000,000 for fiscal year 2021.

(Pub. L. 113–296, § 7, Dec. 19, 2014, 128 Stat. 4077; Pub. L. 114–304, § 2(b), Dec. 16, 2016, 130 Stat. 1520; Pub. L. 116–283, div. A, title XII, § 1280A(g), Jan. 1, 2021, 134 Stat. 3984.)

Editorial Notes

CODIFICATION

Section was enacted as part of the United States-Israel Strategic Partnership Act of 2014, and not as part of the United States-Israel Enhanced Security Cooperation Act of 2012 which comprises this chapter.

AMENDMENTS

2021—Subsec. (d). Pub. L. 116–283 added subsec. (d).

2016—Subsec. (c). Pub. L. 114–304, § 2(b)(1), (2), struck out “pilot” before “programs” in heading and in introductory provisions.

Subsec. (c)(4). Pub. L. 114–304, § 2(b)(3)–(5), added par. (4).

Statutory Notes and Related Subsidiaries

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT MEMORANDA OF UNDERSTANDING TO ENHANCE COOPERATION WITH ISRAEL

Pub. L. 116–283, div. A, title XII, § 1277, Jan. 1, 2021, 134 Stat. 3981, provided that: “The Secretary of State, acting through the Administrator of the United States Agency for International Development, may enter into memoranda of understanding with Israel to advance common goals on energy, agriculture, food security, democracy, human rights, governance, economic growth, trade, education, environment, global health, water, and sanitation, with a focus on strengthening mutual ties and cooperation with nations throughout the world.”

COOPERATION ON DIRECTED ENERGY CAPABILITIES

Pub. L. 116–283, div. A, title XII, § 1280, Jan. 1, 2021, 134 Stat. 3982, provided that:

“(a) REPORT.—Not later than March 15, 2021, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate congressional committees [Committees on Foreign Relations and Armed Services of the Senate and Committees on Foreign Affairs and Armed Services of the House of Representatives] a report on potential areas for directed energy cooperation.

“(b) ELEMENTS.—The report required by subsection (a) shall include the following:

“(1) A description of any science and technology effort or research, development, test, and evaluation effort associated with directed energy.

“(2) A description of activities or efforts recommended for potential defense cooperation activities associated with directed energy between the United States and Israel in support of development of military capabilities of mutual benefit.

“(3) A description of any obstacle or challenge associated with an effort described under paragraph (2) and recommendations to address such obstacle or challenge.

“(4) A description of any authority or authorization of appropriations required for the execution of efforts described under paragraph (2).

“(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form but may contain a classified annex, as determined necessary by the Secretary of Defense.

“(d) PROGRAM AUTHORITY.—If recommended as a result of the report required by subsection (a), the Secretary of Defense, with the concurrence of the Secretary of State, may establish a program to carry out research, development, test, and evaluation activities, on a joint basis with Israel, to promote directed energy capabilities of mutual benefit to both the United States and Israel that address threats to the United States, deployed forces of the United States, and Israel. Any activities carried out under this subsection shall be conducted in a manner that appropriately protects sensitive information, intellectual property, the national security interests of the United States, and the national security interests of Israel. Any such program shall take into consideration the recommendations of the United States-Israel Defense Acquisition Advisory Group.”

UNITED STATES-ISRAEL COOPERATION TO COUNTER UNMANNED AERIAL SYSTEMS

Pub. L. 116–92, div. A, title XII, § 1278, Dec. 20, 2019, 133 Stat. 1702, provided that: